

	<p style="text-align: center;">SOUTHERN FOX VALLEY EMERGENCY MEDICAL SERVICES SYSTEM POLICY &amp; PROCEDURES</p>				
<p>TITLE: IMPAIRED BEHAVIOR AND FITNESS FOR DUTY</p>					
<p>SECTION: GENERAL</p>			<p>POLICY NUMBER: D-1.0</p>		
<p>APPROVED BY: DR. ARTHUR PROUST EMS MEDICAL DIRECTOR</p>					
<p>EFFECTIVE DATE: 09/01/2023</p>			<p>PAGE NUMBER: 1 OF 5</p>		

**PURPOSE:**

To promote safe practice standards and working environments that assure quality patient care and to protect the health and welfare of Southern Fox Valley EMS System students and members, and the patients they serve. In achieving this goal, the SFVEMSS complies with Federal and State drug free workplace laws.

**DEFINITIONS:**

- 1) Controlled substances: Defined in Section 202 of the Controlled Substances Act, 21 U.S.C. 812 that places all substances which are in some manner regulated under existing federal law into one of five schedules. This placement is based upon the substance's medical use, potential for abuse, and safety or dependence liability. Some states (including Illinois) have passed laws allowing for the medical or recreational use of marijuana. These state laws do not alter the fact that marijuana remains a Schedule I medication under federal law.
- 2) Drug: Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease and a substance other than food intended to affect the structure or any function of the body of man or animals (FDA, 2017).
- 3) Drug-free workplace (Drug-Free Workplace Act of 1988): Workplace where "the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited."
- 4) Fitness for duty: EMS personnel must have the skills, knowledge, character and health to practice their profession safely and effectively. If an EMS practitioner's fitness for duty is impaired; they may be unable to practice safely and effectively.
- 5) Illicit drugs: Any drug or controlled substance, the sale or consumption of which is illegal or any legally obtainable controlled substance, which has not been specifically prescribed by a licensed physician for treatment purposes or is not being used for prescribed purposes.
- 6) Impaired behavior/practice / Behavior under the influence: Occurs whenever a person is behaving in a manner not suitable for the workplace or behavior that may be affected by drugs in any detectable

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manner including but not limited to: misconduct or impairment of physical or mental ability. This can be established by a lay person's opinion, a professional opinion or a scientifically

validated test (e.g., person's blood alcohol concentration is 0.01 or greater. In the case of illegal or prescribed drugs, any detectable presence of drug metabolites).

**Examples of observable behaviors suggesting impairment include, but are not limited to:** drowsiness, lack of mental alertness, odor of alcohol on breath, slurred/incoherent speech, red eyes, aggressive behavior/loud voice, significant unexplained mood changes, abusive language, disheveled appearance, excessive or unexplained work errors, suspicion of diversion of medications or theft or forgery of prescriptions, lack of manual dexterity/coordination (eye, hand, gait, or balance) unexplained workrelated accident or injury (causing or participating in any work-related accident or injury), frequent unexplained absences from work area (excessive absenteeism or tardiness that has no other logical documented explanation), comments referring to recent drug use, and disclosure that the person has undergone recent treatment of substance use disorder.

- 7) Substance use disorders occur when the recurrent use of alcohol and/or drugs causes clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home ([www.samhsa.gov/find-help/disorders](http://www.samhsa.gov/find-help/disorders))

**POLICY:**

- 1) The EMS Medical Director (EMS MD) requires that all System members perform their EMS-related duties competently and effectively without impaired judgment, coordination or skill in a manner that does not jeopardize the health and safety of patients, bystanders, colleagues, or themselves.
- 2) Self-reporting of possible drug effects: EMS students and licensed personnel are required to inform their designated supervisor when reporting for EMS-related duty if their use of any drug may adversely affect their ability to satisfactorily perform their EMS job duties or may impair their safety or the safety of others (e.g. drowsiness, muscle relaxation). If it is determined that the EMS practitioner's drug use (medically necessary or prohibited) would adversely affect their job performance, the person shall be removed from EMS-related duties until their cognition and behavior is unimpaired.
- 3) The following activities or actions are prohibited while acting as an agent of the SFVEMSS:
  - a. "Intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, or stimulants in such manner as to adversely affect the delivery or performance of activities in the care of patients requiring EMS interventions.
  - b. The System will review all allegations of impaired behavior/behavior under the influence and will take appropriate corrective action against any EMS personnel who tests positive for any Federally designated drugs of abuse and/or one who uses legal substances in a manner that results in impaired behavior during any activity associated with the EMS program.

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- i. Marijuana use: Any products with >0.3% THC, however, remain a Schedule I substance as per Drug Enforcement Administration (DEA) regulation. See the Illinois Cannabis Regulation and Tax Act (HB 1438); Eff. Jan. 1, 2020.
      1. "The Illinois General Assembly finds and declares that employee workplace safety shall not be diminished because of this act and employer workplace policies shall be interpreted broadly to protect employee safety."
    - ii. Therefore, while recreational marijuana use in adults may be legal in Illinois after 1/1/20, it is still a schedule I controlled substance on a Federal basis and its use is prohibited while on EMS duty or on call in a manner that would cause EMS personnel to demonstrate impaired behavior or behavior under the influence when reporting for duty.
  - c. Unauthorized use or removal of controlled substances, supplies, or equipment from any ambulance, health care facility, institution, or other work place location
  - d. The unlawful use, possession, sale, manufacture, distribution, dispensation, exchange, of alcohol, drugs and/or controlled substances.
  - e. The diversion of EMS drugs intended for pts to a System member's own use.
- 4) The SFVEMSS strongly advocates prevention, recognition, and treatment of Substance Use Disorder and providing support for those seeking or already in recovery. System members will aggressively recognize, intervene, attempt to rehabilitate and restore to health any EMS personnel whose practice is impaired as a result of substance use disorder.
  - 5) The EMS System respects the employee-employer relationship. The EMS System shall continue to collaboratively work with all Providers to investigate and resolve on-duty occurrences of impaired behavior/behavior under the influence. Each System Provider Agency must affirm the existence of personnel policy(ies) relative to Fitness for Duty and a Drug-free Workplace Program that includes, but is not limited to the management of EMS personnel who are impaired or suspected to be impaired while on duty or on call, as a part of their System Agreement.
  - 6) An EMS practitioner must report to the EMS MD any criminal drug statute conviction, no later than five days after such conviction.
  - 7) In the event that any rule of the Department or an EMS MD that requires testing for drug use as a condition of the applicable EMS personnel license conflicts with or duplicates a provision of a collective bargaining agreement that requires testing for drug use, that rule shall not apply to any person covered by the collective bargaining agreement. (Sources: P.A. 100-1082, eff. 8-24-19; 10181, eff. 7-12-19. 101-153, eff. 1-1-20.)

## PROCEDURE

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- 1) Impaired behavior observed in work environment- Report impairment to immediate supervisor:  
When, in the opinion of any System member, a student or member is demonstrating any behavior or conduct on duty that is impaired/behavior under the influence and which evidences reasonable grounds or probable cause to suspect impairment; or possession, sale or delivery while on duty of prohibited drugs or alcoholic beverages; or presence of prohibited drugs or alcoholic beverages; or of diverting drugs intended for a patient to their own use, regardless of the drug involved, this suspicion must be immediately reported to the person's immediate supervisor for implementation of the EMS Education Program or employer's Drug-Free Workplace/Fitness for Duty policy and procedure or applicable personnel policies.
- 2) Impaired behavior observed at hospital: If a hospital employee suspects that an EMS student or practitioner is demonstrating impaired behavior/behavior under the influence, they shall initiate a System Incident Form and immediately contact the individual's direct supervisor. The System student or member suspected of having impaired behavior/behavior under the influence shall be retained at the hospital until an administrative representative of the Education Program or employer arrives to begin an investigation.
- 3) Discovery of facts/investigation: An investigation will be conducted immediately by the EMS Education Program or person's employer to determine the possible validity of the reported impairment or violation of System standards. If the allegation is sustained and the investigation reveals that impaired practice exists, and/or System standards were breached, the supervisor must immediately consult with the EMS MD or his designee and immediate steps to temporarily prevent further patient contact will be implemented.
- 4) Suspension of EMS privileges: If the allegation is sustained, and/or for probable cause, the System member has not been removed from EMS duty by their employer, the EMS MD may immediately suspend EMS privileges, pending further action to be taken by the member's employer in consultation with the EMS MD and/or his designee.
- 5) Due process rights (Fair and Just Culture): System personnel found to have violated this policy will be afforded Due Process (Fair and Just Culture) as specified in System Policies and pursuant to Section 535.260 of the EMS Rules. For just cause, disciplinary action by the EMS MD may include a recommendation to the Illinois Department of Public Health that the EMT's license be suspended or revoked.
- 6) Consequences of drug misuse conviction: System members convicted of violations of criminal drug statutes must satisfactorily participate in drug abuse assistance or a rehabilitation program (at their own expense), or face sanctions up to and including a recommendation for revocation of licensure to the Illinois Department of Public Health. Any treatment will be monitored by the employer either through their EAP or use of an outside referral.
- 7) Reinstatement: Before reporting back to EMS-related duties after a suspension of medical privileges due to impaired practice, the System member must present to the EMS MD or his designee documentation that he/she has submitted to, and successfully completed, their employer's procedure

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for investigating and managing (suspected) impaired practice and is now fit for duty. If the suspension results in a leave of absence exceeding 6 months, refer to System Policy C-20.0 Inactive Status.

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